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Date: June 16, 2004

To: Attn: Group Art Unit 3761
Examiner: Jacqueline F. Stevens
COMMISSIONER FOR PATENTS
Washington, D.C. 20231
fax: 703/872-9306

A Professional Corporation
Intellectual Property Attorneys

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455 N. Cityfront Plaza Drive
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Re: Applicants: Paul T. Van Gompel et al.
U.S. Pat. App. Serial No. 10/005,522
Filed: December 3, 2001
For: SANITARY NAPKIN WITH GARMENT
ATTACHMENT PANELS
Confirmation No.: 2410

Indianapolis, IN
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Client No: 659/928

No. of Pages, including cover: 5

Confirmation Copy To Follow: Yes ☐ No ☒

IF PROBLEMS, CALL 312-321-4200M AND ASK FOR: Nancy Lawson, Ext. 4322

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PAPER FILED HERewith BY FACSIMILE:

**RECORD OF INTERVIEWS AND REQUEST FOR CORRECTION OF
OFFICE ACTION**

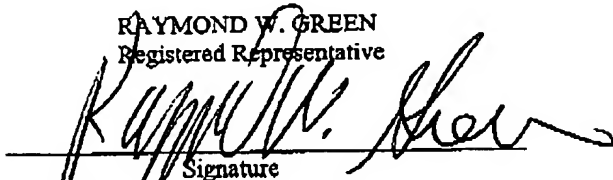
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on June 16, 2004.

RAYMOND W. GREEN
Registered Representative


Signature

Date of Signature: June 16, 2004

PATENT
BHG&L Case 659/928

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|-------------|---------------------------|---|-----------------------|
| Applicants: | Paul T. Van Gompel et al. | : | Confirmation No. 2410 |
| | | : | |
| Serial No.: | 10/005,522 | : | K-C Docket 9733.5 |
| | | : | |
| Filed: | December 3, 2001 | : | Group Art Unit 3761 |
| | | : | |
| For: | SANITARY NAPKIN WITH | : | Examiner: |
| | GARMENT ATTACHMENT | : | Jacqueline F. Stevens |
| | PANELS | : | |

**RECORD OF INTERVIEWS AND REQUEST
FOR CORRECTION OF OFFICE ACTION**

VIA FACSIMILE

(703) 872-9306
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This to make of record telephone interviews between the undersigned, Raymond W. Green, and Examiner Jacqueline F. Stevens on or about May 5, 2004, and on June 14 and 16, 2004; and to request a corrected Office Action and the re-starting of the period for Applicants' response.

First Telephone Interview

On May 4, 2004, I filed an Information Disclosure Statement in this Application. On or about May 5, 2004, I called Examiner Stevens and advised her that an IDS had been filed, making of record a reference which had recently come to my attention. Examiner Stevens advised that an Office Action had been written and not yet mailed, but that it was beyond recall for the purpose of considering the reference.

In due course the Office Action mailed May 25, 2004, was received and reviewed.

Second Telephone Interview

On June 14, 2004, I called Examiner Stevens and advised her that the citation of Lavash USP 6,328,722 appeared to be in error, because Applicants had filed declarations under Rule 131 showing an invention date prior to November 10, 1990, and neither the actual filing date or any of the filing dates recited for earlier applications related to Lavash '722 appeared to be earlier than November 10, 1990, so Lavash '722 did not appear to be available as a reference. Examiner Stevens advised that the Office Action was in error, and that it was intended to cite Lavash USP 5,354,400, which had the same drawings as Lavash '722.

Third Telephone Interview

On June 16, 2004, I called Examiner Stevens and advised her that Lavash '400 appeared to be irrelevant to the present application, because:

- (1) Lavash '400 was filed April 5, 1993, after the date established for a date of invention by the Rule 131 declarations filed in this application.

(2) Of all of the related U.S. applications of which Lavash '400 claims benefit, only one, Serial No. 07/431,009, was filed on a date (November 1, 1989) that was prior to the date of invention established by the Rule 131 declarations filed in this application.

(3) Lavash '400 is a continuation of Serial No. 07/769,607, filed October 1, 1991, which is a continuation-*in-part* of four different earlier applications. Thus Lavash '400 contains both new matter first filed after November 10, 1990, and matter disclosed in Serial No. 07/431,009, filed November 1, 1989.

(4) Serial No. 07/431,009 appears (according to Lavash '400) to have been abandoned in favor of continuation Serial No. 07/707,233, filed May 21, 1991. The PAIR system reveals that Serial No. 07/707,233 issued as Osborn III U.S. Patent 5,346,486, on September 13, 1994. Inspection of Osborn '486 shows that it is *not* identical to either of the Lavash patents, and has different drawings.

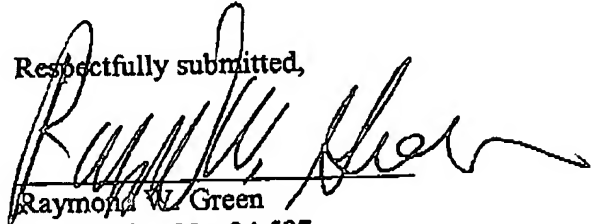
(5) The disclosure in Serial Nos. 07/431,009 and 07/707,233, now Osborn '486, appears to be *prima facie* available as a reference against the present application, regardless of whether Lavash claimed benefit of that disclosure or not. The disclosure of Lavash '400 that is *not* also contained in Serial Nos. 07/431,009 and 07/707,233, now Osborn '486, does *not* appear to be available as a reference against the present application. So Lavash '400 adds nothing that is relevant to the examination of the present Application, to the disclosure of Osborn '486. If Osborn '486 is relevant to the present application, the rejection should be based on Osborn '486, not on Lavash '400.

(6) MPEP § 710.06 explains that in the event of an error in citing a reference in an Office Action, if the error is brought to the attention of the Office within a month of the mail date of the Action, the Office will restart the period for response, if requested by Applicant. (Such a

request was made during the telephone interview of June 16, 2004, and it is now formalized.) In the redated Office Action, reference should be made to Osborn '486, if the Examiner deems it to be relevant.

In response to all of this information, the Examiner requested that a paper be filed, stating the foregoing information regarding the second and third telephone interviews. Accordingly, the present RECORD OF INTERVIEWS AND REQUEST FOR CORRECTION OF OFFICE ACTION is filed.

Respectfully submitted,


Raymond W. Green
Registration No. 24,587

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June 16, 2004